

REMARKS

The Office Action rejects claim 1 under 35 U.S.C. § 102(b) as anticipated by RADER et al. (U.S. Patent No. 6,167,099), and allows claims 2-19. Applicant respectfully traverses the rejection based on RADER et al.

By way of the present amendment, Applicant amends the specification and claims 1, 2, and 4 to improve form and adds new claims 20-29. No new matter has been added by way of the present amendment. Claims 1-29 are pending.

At the outset, Applicant notes with appreciation the indication that claims 2-19 are allowable over the art of record.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as allegedly anticipated by RADER et al. Applicant respectfully traverses with respect to claim 1, as now amended.

At the outset, Applicant submits that the grounds of rejection is improper. The present application has an effective filing date of December 13, 2000, based on European Application No. 00403506.9, to which the present application claims priority. The effective filing date of this application is prior to the publication date of the RADER et al. document. As such, RADER et al. is not a proper reference under 35 U.S.C. § 102(b). Applicant assumes that a rejection under 35 U.S.C. § 102(e) was intended. Clarification is requested.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. RADER et al. does not disclose or suggest the combination of features recited in amended claim 1.

Amended independent claim 1 is directed to a method of operating a digital tuner. The

method includes amplifying a first number of input signals; digitizing the amplified first number of input signals to create respective streams of digitized input data; providing a second number of per-channel front-ends for performing baseband translation and filtering in the digital domain and providing outputs suitable for subsequent demodulation; providing each per-channel front-end with an input selector coupled to each of the streams of digitized input data; and configuring each of the per-channel front-ends to process a selected one of the first number of streams of digitized input data. RADER et al. does not disclose or suggest this combination of features.

For example, RADER et al. does not disclose or suggest amplifying a first number of input signals and digitizing the amplified first number of input signals to create respective streams of digitized input data. In stark contrast, RADER et al. discloses received input signals being mixed and then digitized via A/D converters 10. RADER et al. does not disclose or suggest that the mixing involves amplifying the received input signals, but simply the conversion of RF signals to intermediate frequency (IF) signals (col. 4, lines 50-54).

Since RADER et al. does not disclose every feature of claim 1, RADER cannot anticipate claim 1.

For at least the foregoing reasons, Applicant submits that claim 1 is not anticipated by RADER et al.

New claims 20-29 disclose features not disclosed or suggested by RADER et al. For example, independent claim 20 is directed to a digital tuner that includes a first plurality of digitizers, where each digitizer in the first plurality of digitizers is configured to receive a plurality of carrier signals and comprises a variable gain amplifier configured to amplify the plurality of carrier signals, where the variable gain amplifier is set as a function of the plurality

of carrier signals received at the each digitizer, and an analog-to-digital (A/D) converter operatively coupled to an output of the variable gain amplifier and being configured to receive the amplified plurality of carrier signals and convert the amplified plurality of carrier signals to a digital stream of data. The digital tuner further includes a second plurality of receiver front-ends, where each receiver front-end of the second plurality of receiver front-ends comprises a scaler configured to receive a digital stream of data and dynamically scale the digital stream of data to an essentially same peak magnitude. RADER et al. does not disclose or suggest this combination of features.

Claims 21-26 depend from claim 20. Therefore, these claims are not disclosed or suggested by RADER et al. for at least the reasons given above with respect to claim 20.

Independent claim 27 is directed to a device that includes a variable gain amplifier coupled to an input of an A/D converter and is configured to amplify carrier signals; and a scaler configured to receive a digital stream of data from the A/D converter and dynamically scale the digital stream of data to an essentially same peak magnitude. RADER et al. does not disclose or suggest this combination of features.

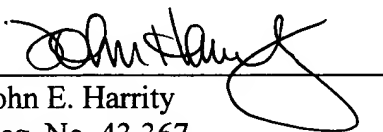
Claims 28 and 29 depend from claim 27. Therefore, these claims are not disclosed or suggested by RADER et al. for at least the reasons given above with respect to claim 27.

In view of the foregoing amendment and remarks, Applicant respectfully requests the reconsideration of the application and the timely allowance of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: June 6, 2005

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